

## **COMBINED PUBLIC NOTICE**

### **NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

#### **ATLANTIC COUNTY**

March 11, 2016

New Jersey Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy three separate but related procedural requirements for activities to be undertaken by New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI, NOI-RROF, and 100-Year Floodplain and Wetland have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

#### **REQUEST FOR RELEASE OF FUNDS**

On or about March 28, 2016, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the State Revolving Fund (SRF). DCA expects to fund the project using approximately \$14,503,840 of SRF funds.

#### **PROJECT DESCRIPTION**

Application ID number: SRF340809

Project Title: Atlantic County Utilities Authority (ACUA) Facility Improvements

Location: Located at the following locations in Atlantic County, New Jersey: City Island Wastewater Treatment Plant (WWTP), 1801 Absecon Blvd., Atlantic City; ACUA Vehicle

Maintenance Facility (VMF), 6700 Delilah Rd., Egg Harbor Township; Brigantine Pumping Station, 111 38<sup>th</sup> St., Brigantine; Ventnor/Margate Pumping Station, 410 N. Lafayette Ave., Ventnor; Somers Point Pumping Station, 45 DeFeo Ln., Somers Point; Linwood Pumping Station, North of the intersection of E. Poplar Ave. and Country Club Dr. (immediately adjacent to the golf course), Linwood; Northfield Pumping Station, Eastern terminus of E. Dolphin Ave. (at the end of a row of condominiums), Northfield; Absecon Pumping Station, 204 Station Ave., Absecon; Egg Harbor Pumping Station, 1010 Chicago Ave., Egg Harbor City; and Mays Landing Pumping Station, 165 Old Egg Harbor Rd., Mays Landing

The total estimated project cost is \$28,292,038.

The proposed project consists, in part, of various improvements at the City Island WWTP. Improvements at the WWTP would include installation of emergency generators and fuel storage tanks, replacement of a forcemain and bar screen, modifications to the sewer sludge incinerators, construction of sump areas within existing buildings, and construction of a seawall around the perimeter of the plant. In addition, as part of the proposed project, an emergency generator would be installed at the ACUA's VMF. A removable/reusable flood protection barrier system would be purchased for use at the WWTP and at eight pump stations throughout Atlantic County.

#### FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

This is to give notice that the DCA has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at the City Island WWTP at 1801 Absecon Blvd., Atlantic City, New Jersey and at the ACUA VMF at 6700 Delilah Rd., Egg Harbor Township, Atlantic County, New Jersey. The proposed project consists, in part, of various improvements at the WWTP. Improvements at the WWTP would include installation of emergency generators and fuel storage tanks, replacement of a forcemain and bar screen, modifications to the sewer sludge incinerators, construction of sump areas within existing buildings, and construction of a seawall around the perimeter of the plant. In addition, as part of the proposed project, an emergency generator would be installed at the ACUA's VMF. A removable/reusable flood protection barrier system would be purchased for use at the WWTP and at eight pump stations throughout Atlantic County.

The VMF is outside the 100-year floodplain, but the majority of the WWTP, approximately 40 acres, is within an A zone of the 100-year floodplain. The following pumping stations are within an A zone of the 100-year floodplain: Brigantine, Ventnor/Margate, Linwood, Northfield, Absecon, and Egg Harbor. Egg Harbor pumping station is also in the floodway. Somers Point and Mays Landing pumping stations are not in the 100-year floodplain. The equipment for the flood protection barrier system to be used at the pump stations would be used on a temporary basis and would not be classified as a structure. In addition, approximately 5.5 acres of wetlands would be impacted by the proposed project.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: 1) undertaking the proposed project as proposed; 2) relocating the proposed project outside the 100-year floodplain and wetlands; and 3) not undertaking the project (No Action). The existing WWTP is located on an island with the majority of the facility located in the 100-year floodplain. The WWTP site is approximately 316 acres, of which approximately 40 acres is the upland, developed portion of the site. Relocating the entire plant outside the 100-year floodplain would be cost-prohibitive and impractical. Wetlands surround the developed portion of the WWTP site and the forcemain from Brigantine to the WWTP cannot be replaced without impacting wetlands. There are no practical alternative routes for a forcemain to be routed from Brigantine to the WWTP that would avoid wetlands. Therefore, the 100-year floodplain and wetlands cannot be avoided, and no practicable alternatives exist outside of the 100-year floodplain and wetlands. In the absence of the proposed project, the WWTP will continue to have deficiencies in their emergency backup power system and would remain vulnerable to the effects from major storm events.

The proposed project must obtain several permits for the proposed project including a waterfront development permit, Coastal Area Facility Review Act (CAFRA) individual permit, coastal/tidal wetlands permit, and freshwater wetlands permit and/or transition area waiver. Per ACUA, the applications for the above identified permits would be submitted in February 2016. All permit conditions must be complied with. Specific mitigation measures and any design modifications will be developed as part of the permitting process in coordination with the applicable permitting agencies. The proposed project must implement and maintain erosion and sedimentation control measures and restore disturbed areas to preexisting grade, disposing of any displaced soil in an area outside the floodplain and wetlands. All structures funded in the 100-year floodplain must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure. If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). Implementation of the proposed project may require additional local and state permits, which could place additional design modifications or mitigation requirements on the proposed project.

DCA has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

## FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

## PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Laura Shea, Assistant Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by March 28, 2016, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

## ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman

New Jersey Department of Community Affairs